

REMARKS

Applicant has carefully reviewed the Official Action dated May 12, 2009, placing this patent application under final rejection.

A Request For Continued Examiner (RCE) is being filed concurrently herewith to permit consideration of the amendments made herein.

The present Amendment is also accompanied by a petition to extend the time for responding to the outstanding Official Action for one month through and including September 12, 2009, together with the applicable fee for the requested one month extension of time at the small entity rate. Applicant qualifies to pay fees in connection with this patent application as a small entity.

Independent claim 1 has been amended to more clearly define the method of the present invention. The claimed method now recites that the roller-forming units and the edge cutters are controlled to cut along a predetermined curved line for forming both the first corners, and for forming the second corners, after the first corners have been formed. This feature of the invention is illustrated by Figure 8 of the original drawings in which the dashed lines illustrate predetermined curved lines along which the roller-forming units and edge cutters follow to form the first and second corners.

The specification, at page 3, first full paragraph, has been amended to expressly identify the dashed lines of Figure 8 as the predetermined curved lines along which the roll-forming units and edge cutters are controlled to follow. Since the original drawings of a patent application constitute original disclosure, it is proper to amend the Specification to further describe features of the invention illustrated in the original drawings without adding new matter to the patent application. The amendment to the Specification made herein, based upon the original drawings filed with this patent application, expressly supports claim 1, as amended herein.

At page 2 of the Official Action, claims 1-3 have been rejected as being anticipated by Ingvarsson et al (U.S. Patent No. 7, 107, 807).

At page 3 of the Official Action, claims 4-8 and 13-18 have been rejected as being obvious over a combination of ingvarsson et al in view of Schule (US 2004/0244453).

Claim 1 is the only rejected independent claim (independent claim 9 has been withdrawn from consideration as a result of a Restriction Requirement). Therefore, for the purpose of simplifying the issues, the prior art rejection of the claims will be discussed with respect to only independent claim 1. If this claim is allowed, the remaining rejected dependent claims will be allowable, at least for the same reasons as parent independent claim 1.

Independent claim 1 now recites two specific steps which are not taught or suggested by the applied prior art reference. As more fully discussed in the Amendment filed on January 27, 2009, Applicant respectfully submits that there is no teaching or suggestion in the disclosure of U.S. Patent No. 7, 107, 807 that the first and second corners are formed in separate, sequential steps, and that the second corners are formed between the first corners only after the formation of the first corners has been completed.

At page 4 of the latest Official Action, the Examiner disagrees with this interpretation of the applied prior art reference and concludes that it is inherent that method of the applied reference completes formation of the first corners before forming the second corners, relying upon a patent (US Patent No. 7, 111, 481) which has not been applied in the rejection of independent claim 1. Applicant respectfully submits that the disclosure of U.S. Patent No. 7, 107, 807 does not inherently require that the first and second corners be formed sequentially, and not simultaneously. Assuming arguendo that another patent (i.e., U.S. Patent No. 7,111,481) teaches a method including certain steps, this does not result in the conclusion that the teachings of this other patent, particularly when this other patent has not been applied to reject any claims, are inherent in the teachings of the actual reference applied to reject the claims (i.e., U.S. Patent No. 7,107, 807). Therefore, the disclosure of U.S. Patent No. 7, 107, 807, with regard to the time during which the first and second corners are formed, either teaches simultaneous formation of the first and second corners to a person skilled in the relevant art for the reasons discussed by Applicant in the previously filed Amendment, or in the alternative, fails to disclose any sequence for forming the first and second corners. In any

event, it is clearly not inherent to form the first and second corners sequentially from the disclosure of U.S. Patent No. 7, 107, 807 itself.

Applicant also notes that U.S. Patent No. 7, 111, 481, relied upon in the Official Action to illustrate forming which is done sequentially, illustrates a completed profile with an outwardly flared portion (Figure 10), which would be unacceptable in Applicant's claimed method. The profile produced by U.S. Patent No. 7, 111, 481 is intended to have a constant cross-section. On the contrary, the method defined by independent claim 1 expressly states the method is for forming profiles with a "cross-section that varies along the length thereof", clearly contrary to the disclosure of U.S. Patent No. 7, 111, 481. Moreover, as noted above, U.S. Patent No. 7, 111, 481 has not been applied to reject independent claim 1, the rejection of independent claim 1 being based exclusively on U.S. Patent No. 7, 107, 807.

Independent claim 1 now also expressly recites the steps of controlling the roll-forming units and the edge cutters for cutting along a predetermined curved line, for forming both the first corners, and thereafter the second corners. This feature of the claimed method is clearly not taught (or suggested) by Ingvarsson et al, applied to reject independent claim 1 in the prior Official Action.

It is well established that a rejection of a claim is being anticipated by a prior art reference requires the Patent and Trademark Office to establish a strict identity of invention between a single applied prior art reference, and the rejected claim. Stated in other words, a

rejection of a claim as being anticipated by a prior art reference is improper unless a single applied prior art reference discloses all features of the claim, as arranged in the claim. See, for example, Connell vs. Sears, Roebuck & Co., 220 USPQ 193 (Fed. Cir. 1983).

In the instant case, there is clearly no strict identity of invention between the method defined by independent claim 1 and that of the Ingvarsson et al patent since the applied reference does not teach steps of the method expressly recited by independent claim 1, when all positively recited features of the claim are considered in the patentability determination. Accordingly, Ingvarsson et al does not anticipate the method defined by independent claim 1.

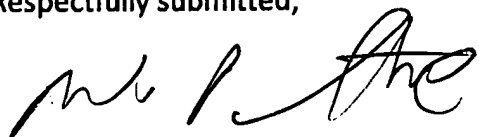
Moreover, Ingvarsson et al does not render the method defined by independent claim 1 obvious as a result of the significant differences between the disclosure of Ingvarsson et al and the positively recited steps in the method defined by independent claim 1. As noted above, Applicant submits that there is no teaching or suggestion in the Ingvarsson et al that the roll-forming units and the edge cutters are controlled for cutting along a predetermined curved line for initially forming the first corners, and only after the first corners have been formed, controlling the roll-forming units and the edge cutters for cutting along a predetermined curved line to form the second corners.

Applicant respectfully submits that independent claim 1 is in condition for allowance. The remaining rejected claims 7-8 and 13-18, which depend directly or indirectly from

independent claim 1 and include all features of that claim, are allowable for at least for the same reasons as parent independent claim 1.

Applicant respectfully submits that this patent application is in condition for allowance, and favorable action is favorable requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark P. Stone', written in a cursive style.

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